

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

NAOMI NYANGATE MATOKE §
§
VS. § CIVIL ACTION NO. 4:23-CV-364-P
§
MERRICK B. GARLAND, ET AL. §

**FINDINGS, CONCLUSIONS, AND RECOMMENDATION REGARDING
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Pending before the Court is Defendants' Motion for Summary Judgment ("Defendants' Motion") [doc. 42], filed October 25, 2024. Having carefully considered the motion, and noting that Plaintiff, who is represented by an attorney, wholly failed to file a response, the Court **FINDS, CONCLUDES, and RECOMMENDS** that Defendants' motion be granted for the reasons stated in such motion. Specifically, the Court notes that Plaintiff has provided no evidence indicating that there is a genuine issue of material fact that Plaintiff made a misrepresentation on her Diversity Immigrant Visa program application that rendered her unlawfully admitted to the United States and, thus, ineligible to naturalize.¹ (*See generally* Defendants' Brief in Support of Motion for Summary Judgment at 14-28.)

In addition, Plaintiff has provided no evidence indicating that there is a genuine issue of material fact that Plaintiff's false statements statutorily bar her from establishing the requisite good moral character to naturalize. (*Id.*)

¹Pursuant to 8 C.F.R. § 316.2(b), the naturalization applicant "shall bear of burden of establishing by a preponderance of the evidence that he or she meets all of the requirements for naturalization." 8 C.F.R. § 316.2(b).

**NOTICE OF RIGHT TO OBJECT TO PROPOSED
FINDINGS, CONCLUSIONS AND RECOMMENDATION
AND CONSEQUENCES OF FAILURE TO OBJECT**

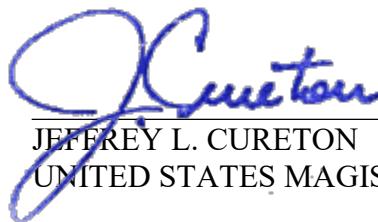
Under 28 U.S.C. § 636(b)(1), each party to this action has the right to serve and file specific written objections in the United States District Court to the United States Magistrate Judge's proposed findings, conclusions and recommendation within fourteen (14) days after the party has been served with a copy of this document. The United States District Judge need only make a *de novo* determination of those portions of the United States Magistrate Judge's proposed findings, conclusions and recommendation to which specific objection is timely made. *See* 28 U.S.C. § 636(b)(1). Failure to file, by the date stated above, a specific written objection to a proposed factual finding or legal conclusion will bar a party, except upon grounds of plain error or manifest injustice, from attacking on appeal any such proposed factual findings and legal conclusions accepted by the United States District Judge. *See Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996), *modified by statute on other grounds*, 28 U.S.C. § 636(b)(1) (extending the time to file objections to 14 days).

ORDER

Under 28 U.S.C. § 636, it is hereby **ORDERED** that each party is granted until **December 23, 2024**, to serve and file written objections to the United States Magistrate Judge's proposed findings, conclusions and recommendation. It is further **ORDERED** that if objections are filed and the opposing party chooses to file a response, the response shall be filed within seven (7) days of the filing date of the objections.

It is further **ORDERED** that the above-styled and numbered action, previously referred to the United States Magistrate Judge for findings, conclusions and recommendation, be and hereby is returned to the docket of the United States District Judge.

SIGNED December 9, 2024.



JEFFREY L. CURETON
UNITED STATES MAGISTRATE JUDGE